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ORDINANCE NO. 2002-29

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**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO TERM LIMITS FOR THE OFFICE OF COUNTY COMMISSIONER; PROVIDING FOR AN AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

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**WHEREAS**, the voters of Palm Beach County adopted the Charter of Palm Beach County on November 6, 1984, effective January 1, 1985; and

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**WHEREAS**, the Charter of Palm Beach County provides that a Charter amendment may be initiated by seven (7) percent of the number of voters qualified to vote in the last General Election; and

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**WHEREAS**, the Supervisor of Elections verified an initiative petition proposing an amendment to Article II, Section 2.2 of the Palm Beach County Charter on June 20, 2002; and

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**WHEREAS**, passage of this Ordinance will allow the residents of Palm Beach County to vote on the proposed charter amendment at the general election held on November 5, 2002.

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

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**SECTION 1. AMENDMENT OF CHARTER**

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Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Article II of the Palm Beach County Charter shall be amended by adding the following language to Section 2.2, Legislative Branch:

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**Section 2.2 Legislative Branch**

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The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. One (1) Commissioner residing in each of the seven (7) districts, shall be elected and qualified electors residing within that district. The Commissioner must reside within the district at the time of qualifying to run for office of Commissioner and during his/her term of office must reside in the district from which he/she ran. No person may appear on the ballot for reelection to the office of Commissioner to the Palm Beach County Board of Commissioners, if, by the end of the current term in office, the person will have served (or, but for resignation, would have served) as a Commissioner for eight (8) consecutive years. This amendment shall take effect on the date it is approved by the electorate, but no service in a term of office which commenced prior to the effective date of this amendment will be

credited against the eight (8) consecutive years term limitation. The two (2) additional Commissioners will be elected pursuant to this amendment at the next General Election succeeding the passage of this amendment. One (1) new Commissioner shall represent an even-numbered district, and his/her initial term of office shall coincide with the term of office for the even-numbered district Commissioners. One (1) new Commissioner shall represent an odd-numbered district, and his/her initial term of office shall coincide with the term of office for the current odd-numbered district Commissioners. The Commissioners who are serving on the effective date of this Charter amendment shall continue to represent the district from which they were elected, as district Commissioners, for the balance of their terms. Salaries of the Board of County Commissioners shall be the same as set by law for the County Commissioners of non charter counties. The Board of County Commissioners shall be responsible for exercising and fulfilling all their powers and duties provided by the Charter.

## **SECTION 2. REFERENDUM AND BALLOT LANGUAGE**

On November 5, 2002, a general election is to be held, and in accordance with the requirements of the Constitution and Laws of Florida, the following question shall be placed on the ballot by the Supervisor of Elections:

## TERM LIMITS FOR PALM BEACH COUNTY COMMISSIONERS

Shall the Palm Beach County Charter be amended to provide that County Commissioners who have served for eight (8) consecutive years on the Board of County Commissioners shall not be qualified for reelection? However, no service as a Commissioner, which was commenced prior to the effective date of this Amendment will be counted in the eight (8) consecutive year limitation.

YES \_\_\_\_\_  
NO \_\_\_\_\_

### **SECTION 3. FORM OF NOTICE**

The form of notice of the election by which this Charter shall be submitted to a referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.

#### **SECTION 4. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

## **SECTION 5. INCLUSION IN THE CHARTER**

In the event this proposed amendment is approved by referendum, Section 1 of this Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County, Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or relettered to accomplish such, and the word "amendment" may be changed to "section," "article," or any other appropriate word.

1            **SECTION 6. EFFECTIVE DATE**

2            This Ordinance shall become law on November 5, 2002, if approved by a majority of those  
3            electors voting on the matter.

4            APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,  
5            Florida, on this the 23 day of July, 2002.

6            DOROTHY H. WILKEN, CLERK

7            PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

8            By: Linda C. Wilken  
9            Deputy Clerk

10            By: Warren H. Newell  
11            Warren H. Newell, Chairman

12            APPROVED AS TO FORM  
13            AND LEGAL SUFFICIENCY

14            By: Linnea Beebe  
15            County Attorney

16            EFFECTIVE DATE: Filed with the Department of State on the 31 day of July,  
2002.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on July 23, 2002  
3            DATED at West Palm Beach, FL on July 12,  
DOROTHY H. WILKEN, Clerk  
By: Linnea Beebe D.C.